

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Status of Claims

Claims 1, 5, 10 and 14 have been amended. Claims 2, 6, 7, 11, and 12 have been canceled. Claims 1, 3 to 5, 10, 14 to 21 are currently pending, of which claims 1, 5 and 10 are the claims in independent format.

2. Amendment Support

Claim 1 as amended includes a feature of "the amount of the lubricant is 10 to 40% by weight in the graft copolymer composition." Support for this feature may be found in, for example, Table 2 and the paragraph bridging pages 14 and 15 of the English specification. The abbreviations "OA" and "MEG" in Table 2 are examples of the lubricant.

Claims 5 and 10 each include a feature of "the amount of the lubricant is 1 to 8% by weight in the thermoplastic resin composition." Support for this feature may be found in, for example, Tables 3 to 5 as well as on page 19, lines 7 to 9 of the specification.

3. Response to 35 USC §103(a) Rejections

(1) Claims 1 to 4 and 14 to 15 have been rejected under 35 USC § 103(a) as allegedly being unpatentable over Sugiura et al. (US 5,674,930) in view of Hosoda et al. (US 5,847,042).

INDEPENDENT CLAIM 1:

Claim 1 as amended recites, among other things, the feature that "the amount of the lubricant is 10 to 40% by weight in the graft copolymer composition." As will be

discussed below, this feature represents a clear patentable distinction over each of Sugiura et al and Hosoda et al, and thus over their combination.

Regarding Sugiura et al, the Examiner notes on page 2 of the Official Action that "Sugiura does not teach the graft copolymer comprising a lubricant." Hence, the noted feature of claim 1, namely "the amount of the lubricant is 10 to 40% by weight in the graft copolymer composition" is not disclosed or suggested by Sugiura et al.

Regarding Hosoda et al, the Examiner notes on page 2 of the Office Action that:

"Hosoda et al. teaches polyolefin resins wherein a fatty amide compound may be added to further improve the anti-blocking and scratch resistance of the polyolefin (3:40-46)."

However, Hosoda et al. states in col. 3, lines 41-50:

"The content of the fatty amide compound is 0 to 0.4 parts by weight... When the fatty amide content is greater than 0.4 parts by weight, the transparency remarkably lowers **due to bleeding** and whitening on the film." (emphasis added.)

This passage in Hosoda et al teaches directly away from the feature of claim 1 that the lubricant be present in an amount of 10 to 40% by weight in the graft copolymer composition. Instead, Hosoda et al. clearly teaches that 0.4 parts by weight *or higher* of the fatty amide content causes bleeding.

Accordingly, the ordinarily skilled person would recognize from Hosoda et al that such a bleeding worsens the appearance of a molding product and is not preferable regardless of whether the molding product is transparent or not. The ordinarily skilled person would therefore not "obviously" add a larger amount of fatty amide. Hence, the

noted feature of claim 1, namely "the amount of the lubricant is 10 to 40% by weight in the graft copolymer composition", patentably distinguishes the same over Hosoda et al.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis pending claim 1 herein.

Regarding the amount of the lubricant, the Examiner asserts in the Office Action on page 3 that:

"While Hosoda teaches that the fatty amide contents is from 0 to 0.4 parts by weight (3:45-50) .. The skilled artisan, recognizing that transparency is not required [by Sugiura] would add a larger amount of fatty amide, in order to increase the scratch resistance of the polyolefin due to the presence of fatty amide (3:40-50 of Hosoda)."

However, a combination of Sugiura et al. and Hosoda et al. does not provide any reasonable expectation of success to prevent the bleeding referenced by Hosoda et al. Rather, Hosoda et al. suggests a reasonable expectation of failure to prevent bleeding.

In this regard, claim 1 requires the presence of 10 to 40% by weight of the lubricant in the graft copolymer composition while claims 5 and 10 require the presence of 1 to 8% by weight in the thermoplastic resin composition. The present invention also addresses bleeding of the lubricant. In this regard, the Examiner is invited to reread the TECHNICAL FIELD section in the specification, namely the paragraph starting from page 19, line 7, and the paragraph on page 23 under the heading "(3) Bleeding". As will

be noted, the present invention elevates the upper limit of the lubricant content while at the same time preventing bleeding of the lubricant. This result is completely unexpected from Sugiura et al. and Hosoda et al and thus supports a conclusion of nonobviousness. (See MPEP 2143.02.11)

Hence, claim 1 as amended is not obvious over Sugiura et al in view of Hosoda et al. Claims 3, 4, 14 to 17 depend from claim 1, and so at least similarly distinguish over the asserted combination of references.

Withdrawal of the rejection advanced against claim 1 and its dependents under 35 USC §103(a) is therefore in order.

(2) Claims 5 to 7 have been rejected under 35 USC §103(a) as allegedly being unpatentable over Sugiura et al. in view of Hosoda et al,

INDEPENDENT CLAIM 5:

Claim 5 recites, among other things, a feature of" the amount of the lubricant is 1 to 8% by weight in the thermoplastic resin composition."

The arguments noted above with respect to independent claim 1 and its dependents are equally germane to the rejection of claims 5-7. Claims 18-19 depend from claim 5, and so at least similarly distinguish over the asserted combination of references. Accordingly, withdrawal of the rejection is respectfully requested.

(3) Claims 10 to 12 have been rejected under 35 USC §103(a) as being unpatentable over Sugiura et al. in view of Hosoda et al.

INDEPENDENT CLAIM 10

Claim 10 recites, among other things, the feature that "the amount of the lubricant is 1 to 8% by weight in the thermoplastic resin composition."

SUGIURA
Serial No. 10/534,876
August 4, 2009

The arguments noted above against the rejections to claim 1 are equally applicable to the rejections against independent claim 10 and claims 20-21 dependent therefrom. Accordingly, withdrawal of the rejection advanced under 35 USC §103(a) against claim 10 and its dependents is also in order.

4. Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

5. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100